

# **TIVERTON TOWN COUNCIL AGENDA**

**Tiverton Town Hall**

**343 Highland Road**

**Tiverton, Rhode Island 02878**

**Regular Meeting: Monday, April 23, 2012 at 7:00 p.m.**

**NOTE: Individuals requesting interpreter services for the hearing impaired must contact the Town Clerk's Office at 343 Highland Road or call (401) 625-6704 forty-eight (48) hours in advance of the meeting date.**

**DATE POSTED: 04-19-2012**

## **1. PLEDGE OF ALLEGIANCE TO THE FLAG**

## **2. ROLL CALL**

**Jay Lambert-President Robert D. Coulter Edward Roderick**

**Cecil E. Leonard-Vice President David M. Nelson**

**Joan B. Chabot Brett N. Pelletier**

## **3. APPROVAL OF CONSENT AGENDA**

**All items listed with a (CA) are to be considered routine by the Town Council and will be enacted by one motion. There will be no separate discussion of these items unless a member of the Council, or a member of the public so requests, in which event the item will be**

removed from Consent Agenda (CA) consideration and considered in its normal sequence on the agenda.

## **CLOSED EXECUTIVE SESSION**

**Special Counsel Oliverio – 42-46-5(a)(2) – Litigation– O’Dell v Tiverton**

### **4. A. BUSINESS BROUGHT BEFORE THE COUNCIL**

#### **CONSENT AGENDA:**

**(C.A.) 1. a. Approval of Minutes from Regular Council Meeting  
March 26, 2012**

**Councilor Roderick Abstained – Not in Attendance**

**b. Approval of Minutes from Regular Council Meeting April 9,  
2012**

**c. Approval of Executive Session Minutes from Regular Council  
Meeting March 26, 2012**

**Councilor Roderick Abstained – Not in Attendance**

**d. Approval of Executive Session Minutes from Regular Council  
Meeting April 9, 2011**

**(C.A.) 2. Receipt of Minutes from the Following Boards,  
Commissions**

**a. Board of Canvassers (4)**

**b. Prevention Coalition**

**c. Historic Cemeteries Commission**

**d. Harbor & Coastal Waters Management Commission (2)**

- e. Arts Council**
- f. Pocasset Cemetery Commission**
- g. Open Space Commission**
- h. Planning Board (2)**
- i. Street Committee**
- j. Wastewater Management**

**(C.A.) 3. Correspondence – Receive and File**

- a. Resolution Received From Town of Exeter In Support of Legislation to Help Municipalities**

**Resolve Financial Problems and Begin Process of Recovery**

- b. Resolutions Received From Town of Exeter and Jamestown In Support of Referendum**

**Relating to Code of Ethics**

- c. Resolutions Received From East Greenwich School Committee and City of Newport School**

**Committee In Support of S-2158, H-7272 and H-7863- Layoff Notification Dates**

- d. Received From Town of Narragansett Resolutions Opposing:  
H-7250 -Mandates Expired Teacher Contracts Continuing with Existing Terms**

**H-7617 – Act Relating to Labor and Labor Relations School Employee Arbitration**

**H-7620 – Act Relating to Labor Relations Municipal Employee Arbitration**

**H-7618 and H-7619 – Act Relating to Labor Relations Firefighter**

- e. Resolutions Received from Newport School Committee In Opposition to Binding Arbitration and Contract Continuation**
- f. Resolution Received From Glocester Town Council Opposing H-7867 – Relative to Permit Fees & Impact Fees Reductions**
- g. Received From Town of Burrillville In Support of H-7581 Act Relating to Public Utilities and Carriers – Public Transit Investment**

**(C.A.) 4. Approval of Assessor Abatements**

**(C.A.) 5. Kate Michaud, Planning Board Administrative Officer – Report of Activities for March 2012**

**(C.A.) 6. Town Treasurer – Distribution of Budget and Revenue Reports March 2012 and F/Y 2012                      Quarterly Budget Summary Report Ending 3/31/2012**

**(C.A.) 7. Peter Karczmar, 315 Seapowet Avenue – Request for Removal of Trash From 2 Rod Way**

**Referred to the Town Administrator**

**(C.A.) 8. Council Approval of Resolution in Support of Governor Chafee's Legislative Package**

## **A-1 OPEN PUBLIC FORUM**

**Public Forum for Announcements, Comments, Questions**

## **B –PUBLIC HEARINGS & PUBLIC PRESENTATIONS**

### **C. BOARD OF LICENSING**

#### **NON ADVERTISED LICENSE RENEWALS**

**1. Roger Dupont, 28 Salisbury Street, Tiverton, RI – Requests Annual Renewal of Private Detective License Subject to Meeting All Legal Requirements – May 15, 2012 to May 14, 2013**

**2. Alejandro Arteaga d/b/a Palagis Ice Cream Co. (Mobile Ice Cream Struck Local Streets in Tiverton) Requests Annual Renewal of Peddlers License Subject to Meeting All Legal Requirements – May 2, 2012 to May 1. 2013**

**3. Nelson A. Luz d/b/a Luz Fresh Seafood – Request Annual Renewal of Hawkers License Subject to Meeting All Legal Requirements – May 2, 2012 to May 1, 2013 – Permission Granted by Spring Restaurant, Main Road to Use Parking Lot Across Street From Restaurant**

### **D - APPOINTMENTS & RESIGNATIONS:**

**1. Appointments and Reappointments Group A**

**a. Arts Council - New Request ( One Vacancy- Term to Exp April 15, 2014)**

**Alyssa Wood, 115 Old Bulgarmarsh Road**

**b. Historical Cemeteries – New Request (One Vacancy – Unexpired Term to June 30, 2013)**

**Cary Bailey, 27 Sloop Lane**

**c. Pocasset Cemetery Commission – Request for Reappointment –Term to April 15, 2015**

**Robert Viera, 90 Grinnell Avenue**

## **E - UNFINISHED BUSINESS:**

**1. Councilor Leonard – Update of Comprehensive Community Plan – Continued From April 9th**

**Council Discussion and Possible Vote on One or More Issues Including But Not Limited to**

**Best Process, Including Creation of a Broad Based Citizen Group to Prepare a Current**

**Comprehensive Community Plan for Submission to the Appropriate State Agencies on or**

**Before the 2014 Due Date**

**2. Garry Plunkett, Tiverton Representative to East Bay Energy**

## **Consortium (EBEC)**

**a. Continuing Discussions on Potential Wind Energy Development for Industrial Park and Water Authority Properties, and Endorsement of Draft Legislation to Create a Public Corporation to Finance and Operate the System**

**3. DPW Director Berlucchi- Possible Expanded Role of Recycling/Landfill Committee**

## **F – FINANCIAL BUSINESS:**

## **G - NEW BUSINESS:**

**1. Nancy E. Dobie, Ocean Tides Senior Games – Request Permission For Bicycle Race on Saturday, June 2, 1012 From 10am Beginning at Nonquit School, East on Neck Rd, South on Main Rd (77), West on Fogland Rd, to North Puncatest Neck, Ending at Nonquit School**

## **H – BIDS AND REQUESTS FOR PROPOSALS**

**1. Chief Robert Lloyd TFD – Request Permission to Waive Bid Process and Purchase Medical Equipment From Baxter Spectrum**

- 2. DPW Director – Request Approval to Advertise for Bids**
  - a. Bituminous Concrete Paving**
  - b. Washed Sand, Washed Stone, Bank Run Gravel, Screened Loan, Crushed Stone and Dense Grade**
  - c. High Density Polyethylene Pipe (HDPE)**
  - d. Catch Basin Blocks**
  - e. Catch Basin Frames and Grates**
  - f. Unleaded Gasoline, Clear Ultra Sulfur Diesel Fuel**
  - g. Daily Landfill Cover**

## **I - TOWN ADMINISTRATOR ITEMS AND ANNOUNCEMENTS**

## **J – COUNCIL ANNOUNCEMENTS, COMMENTS AND QUESTIONS**

## **K – TOWN SOLICITOR – ITEMS AND ANNOUNCEMENTS**

- 1. Brief Update on Tiger Tree/James Pelletier v Tiverton**  
**RIDEM Solid Waste Field Inspection Report on April 18, 2012**
- 2. Moniz Open Meeting Act Complaint to Attorney General (Referred to Assistant Solicitor Ruggiero)**
- 3. Campbell/Moran v Town of Tiverton (TYC) – Order of Denial of**



## **Attorney Fee Request and Transcript**

### **L- TOWN CLERK ANNOUNCEMENTS**

#### **5. CLOSED EXECUTIVE SESSION**

**A portion of this meeting may be held in executive session pursuant to the Open Meeting Law, Section 42-46-5(a) of the General Laws of Rhode Island, 1956 (1986 Reenactment), as amended**

**6. ADJOURNMENT Pursuant to RIGL §42-46-6(b). Notice – “Nothing contained herein shall prevent a public body, other than a school committee, from adding additional items to the agenda by majority vote of the members. Such additional items shall be for informational purposes only and may not be voted on except where necessary to address an unexpected occurrence that requires immediate action to protect the public or to refer the matter to an appropriate committee or to another body or official.”**